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Wal-Mart Stores, Inc. d/b/a Wal-Mart Neighborhood
9 *Market No. 3355*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 ROBERT FLORES, an individual,

13 Plaintiff,

14 v.

15 WAL-MART STORES INC., a foreign
corporation d/b/a Wal-Mart Neighborhood
16 Market #3355; DOES 1 through 10, inclusive;
ROE CORPORATIONS 11 through 20,
17 inclusive; and ABC LIMITED LIABILITY
COMPANIES 21 through 30, inclusive,

18 Defendants.
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Case No.: 2:17-cv-01991-JAD-NJK

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES

[THIRD REQUEST]

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21 Plaintiff ROBERT FLORES (hereinafter “Plaintiff”) and Defendant WAL-MART STORES,
22 INC. d/b/a WAL-MART NEIGHBORHOOD MARKET No. 3355 (hereinafter “Wal-Mart” or
23 “Defendant”), by and through their respective counsel of record, do hereby stipulate to extend the
24 remaining deadlines in the current scheduling order and discovery plan in this matter for a period of
25 sixty (60) days for the reasons explained herein.

26 Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the third such discovery
27 extension requested in this matter.

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DISCOVERY COMPLETED TO DATE

- The parties conducted the FRCP 26(f) conference on August 15, 2017 and served their respective FRCP 26(a) disclosures on August 28, 2017 and September 15, 2017, respectively;
- Defendant served upon Plaintiff one set of Requests for Production, an initial set of Interrogatories and its initial set of Requests for Admissions on September 18, 2017. Plaintiff submitted timely responses to Defendant's Requests for Admissions on October 11, 2017. Plaintiff submitted timely responses to Defendant's Initial Requests for Production and Interrogatories on October 16, 2017;
- Plaintiff served upon Defendant one set of Interrogatories, one set of Request for Production of Documents and one set of Requests for Admissions on November 1, 2017. Defendant submitted timely responses to Plaintiff's initial set of Requests for Admissions on December 4, 2017. Defendant submitted timely responses to Plaintiff's initial set of Requests for Production of Documents and Interrogatories on December 18, 2017. Defendant then served its First Supplemental Responses to Plaintiff's first set of Requests for Production of Documents on December 19, 2017;
- Defendant timely noticed and took Plaintiff's deposition on November 8, 2017;
- Defendant timely noticed and Plaintiff wilfully attended a FRCP 35 examination with Defendant's expert physician on July 13, 2017;
- Defendant timely noticed and took the deposition of Plaintiff's significant other, Ms. Cheri Adams, on November 6, 2017;
- Plaintiff timely noticed and took Defendant's former employee, Mr. Jonathan Sorola's, deposition on November 28, 2017;
- Defendant timely noticed and took Plaintiff's deposition on January 5, 2018; and
- Defendant timely noticed and Plaintiff appeared for his FRCP 35 examination with Defendant's retained medical expert on February 16th, 2018.

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1 **DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY**

2 Discovery to be completed includes:

- 3 • Additional written discovery (if necessary);
- 4 • Depositions of fact witnesses;
- 5 • Depositions of Plaintiff's treating physicians;
- 6 • Depositions of expert witnesses and rebuttal expert witnesses; and
- 7 • Inspection of the subject premises (if necessary).

8 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested

9 extension. The parties agree that, pending this Court's approval, extension of remaining discovery

10 deadlines is appropriate, as the parties have recently agreed to privately mediate this matter on April

11 17, 2018. With the expert disclosure deadline currently set for April 10, 2018, the parties wish to

12 postpone said deadlines so that the parties can mediate in good faith. Should settlement discussions

13 prove unsuccessful, the parties wish to continue the close of discovery so that necessary depositions

14 and additional discovery can be completed.

15 **[PROPOSED] NEW DISCOVERY DEADLINES**

16	Last Date to Disclose Initial Experts	.	.	.	June 11, 2018
17	Last Date to File Interim Status Report	.	.	.	June 11, 2018
18	Last Date to Disclose Rebuttal Experts	.	.	.	July 10, 2018
19	Discovery Cut-Off Date	.	.	.	August 10, 2018
20	Dispositive Motion Deadline	.	.	.	September 7, 2018
21	Proposed Joint Pre-Trial Order	.	.	.	October 5, 2018

22 If dispositive motions are filed, the deadline for filing the joint pre-trial order will be

23 suspended 30 days after a decision on the dispositive motion(s) is rendered or pursuant to a further

24 court order.

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1 If this extension is granted, all anticipated additional discovery should be concluded within the
2 stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is
3 made by the parties in good faith and not for the purpose of delay.
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5 DATED this 19th day of March, 2018.

DATED this 19th day of March, 2018.

6 **NETTLES LAW FIRM**

PHILLIPS, SPALLAS & ANGSTADT LLC

7 /s/ Edward J. Wynder

/s/ Timothy D. Kuhls

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16 **IT IS SO ORDERED:**

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19 **UNITED STATES MAGISTRATE JUDGE**

20 **DATED:** March 20, 2018
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